761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 21, 2006

OFFICE CORRESPONDENCE FILE NO.

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: THOMAS E. SPENCER, CAPTAIN
SPECIAL ENFORCEMENT BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, MARCH 1, 2006, SH2165564**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 1, 2006.

The Committee met on December 21, 2006 and consisted of me and Commanders Eric B. Smith (Leadership and Training Division) and Kenneth J. Brazile (Commander of the Department). The Committee determined the use of force by Deputy George Creamer #[redacted] was within Department policy.

Please advise the deputy of this finding.

JGJ:MOT:mt

TABLE OF CONTENTS

SH2165564

Hit Shooting Review

Exhibits

Miscellaneous Documents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
March 1, 2006	Special Enforcement Bureau	☐	☒

Incident Information

URN: 006-03248-0562-013	Date: March 1, 2006 — Time: 1336 hours
City or Station: Temple Station	Nature of Incident: Members of S.E.B. were involved in a hit shooting of an armed suspect who held hostages.
Location: [redacted] Holtwood Avenue, South El Monte, CA 91733	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

Total # of Shots Fired by Deputy:

Total # of Shots Fired by Suspect:

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): **Detective** (circled), Inmate Transport, Other, Routine Patrol

Aero Unit? ☒ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Rector	Rick	O.	EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Furmanski	David	R.	**On Duty** (circled), **Present during shooting** (circled), Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Furmanski	David	R.

PSTD Use Only

SH # 2165564

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
3/01/2006	1500	10/14/06	

Employee #	Last Name	First Name	M.I
[redacted]	Lee	Stacy	L.
[redacted]	Key	Gregory	L.
[redacted]	Taylor	Rossanna	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(26) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FR	RM	30	Y	Y	DH	HE

See Front Side

Officer Involved Shooting
Involved Employee Information



URN: 006-03248-0562-013

Involved Employee

E 1

Employee # [redacted] | Last Name: Creamer | First Name: George | M.I.: P.

Sex: M | Race: W | Rank: Deputy | Unit Assignment: S.E.B. | Work Assignment (Unit #, Module, etc.): Long Rifle

ShiftTime (*circle only one*): EM PM (Day) | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) | Other Factors:

Age: [redacted] | Height: 511 | Weight: 195

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

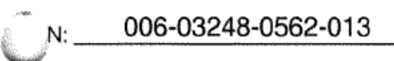
Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

ficer Involved Shooting
Suspect Information


N: 006-03248-0562-013

Suspect Information

S 1

Last Name: Martinez		First Name: Tony	M.I.
AKA Last Name: Davilla		First Name: Victora	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 33 D.O.B. 04/03/71	Height: 600 Weight: 220	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 211 PC	Secondary Charge: 207PC	
Coroner Case? ☒	Coroner Case # 2006-01670	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING EVALUATION

UNIT:	Special Enforcement Bureau, Office of Homeland Security
DATE:	March 1, 2006, Wednesday
TIME:	1336 Hours
LOCATION:	[redacted] Holtwood Avenue, South El Monte, CA
URN#:	006-03248-0562-013
IAB#:	SH 2165564

NATURE OF INCIDENT: In late January 2006, several bank robberies, dubbed the "Deposit Slip Bandit Robberies" were committed in the Inland Empire and Los Angeles County areas. On February 27, 2006, Bank of the West, located at 9000 Valley Boulevard, in the city of Rosemead, was robbed by a single male suspect. The suspect delivered a demand note to the bank teller which also indicated he was armed with a gun. This demand note was similar to the demand notes passed to tellers in the series of robberies attributed to the "Deposit Slip Bandit." Soon after that robbery, Suspect Tony Martinez was positively identified as the bank robber.

On March 1, 2006, at about 0705 hours, deputies from the Temple Station responded to a report of a burning vehicle at the Ramada Inn at Santa Anita and Merced Avenues, in the city of South El Monte. Investigation of the vehicle revealed it was stolen and inside was evidence linking Suspect Martinez to the series of robberies. Detectives made contact with Martinez' [redacted] The detectives discovered Suspect Martinez was driving a grey Lexus sedan and was possibly at an address on Holtwood Avenue, in South El Monte.

At 1120 hours, Deputies responded to the Holtwood Avenue address and observed a grey Lexus sedan parked in the driveway. A telephone call was placed into the residence and Martinez' [redacted] answered the telephone. She told deputies Suspect Martinez was inside of the residence, had a gun, and would not allow [redacted] or her [redacted] to leave the location. Suspect Martinez then got on the telephone and told deputies he had a gun and was not going to go back to prison for life. After several minutes of dialog between the suspect and deputies, the suspect hung the telephone up and no further contact was made with either the suspect or Ms. [redacted]

COMPLETED BY:	Sergeant Larry Landreth, Internal Affairs Bureau
DATE:	October 14, 2006

Temple Station personnel contacted and requested a response from Special Enforcement Bureau (S.E.B.) personnel to handle the apparent barricaded suspect/hostage situation.

At about 1325 hours, S.E.B. personnel were in place around the location and assumed tactical responsibility for the incident. Lt. Dave Furmanski responded and assumed command for the tactical response to the incident. He deployed S.E.B. personnel, requested a Crisis Negotiations Team (C.N.T.) response, paramedics and an airship at the location. Lt Furmanski assessed the incident and deemed it a "Hostage Rescue Mission." Lt. Furmanski deployed Deputies George Creamer and Rick Rector as a "long rifle" team. Lt. Furmanski briefed both deputies as to the situation, furnished them a photograph of Suspect Martinez and gave them the mission to scout and locate a position of concealment and observation in order to monitor the suspect's movements and actions.

Lieutenant Furmanski continued to manage the operation, deployed additional S.E.B. deputies and waited for C.N.T. to arrive. While waiting for C.N.T. to arrive several attempts were made to telephone the suspect and additional attempts by P. A. System were made to contact the suspect.

Deputy Rector was armed with a H & K .308 caliber sniper rifle and acted as a "spotter" for Deputy Creamer. Deputy Rectors responsibilities were to assist Deputy Creamer in maintaining a visual on the suspect and taking a second shot should Deputy Creamer miss his or failed to neutralize the threat from the suspect. Deputy Rector and Deputy Creamer watched as the suspect maintained tight control on Ms [redacted] and her [redacted] Suspect Martinez appeared to be highly agitated and both Rector and Creamer felt the suspect was about to take the hostage's life, his own, or both. When the suspect walked up to a large window and the hostages moved sufficiently far enough away, Deputy Creamer fired one round from his Remington model 700, .308-caliber rifle at the suspect. Suspect Martinez immediately dropped to the floor. Seconds later, Ms. [redacted] and her [redacted] ran from inside of the residence to the safety of the deputies.

A tactical plan for entry was approved by Lt. Furmanski and S.E.B. deputies entered the house, and discovered the suspect deceased.

Internal Affairs Bureau was notified at 1430 hours and Sergeants Greg Key and Rossanna Taylor, along with Lieutenant Stacy Lee responded to the command post. Upon their arrival, personnel from Homicide Bureau were investigating the deputy involved shooting.

The following summary is based on written statements from the involved deputies, witnesses' statements obtained and recorded, and statements from percipient deputies.

INVOLVED PERSONNEL:

CREAMER, GEORGE P., Deputy Sheriff,[redacted]
Special Enforcement Bureau
Office of Homeland Security Division

EMPLOYEE WORK HISTORY:

Date of Employment:	11-09-1988
Date assigned to Patrol/Custody:	[redacted]
Completed Patrol/Custody Training:	
Date of Assignment at SEB:	03-26-2000
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	

SUSPECT(S):

MARTINEZ, Tony Jr., AKA Victor Davila, MH/33, DOB: 04-03-1971, Blk/Bro, 6-00/220 lbs.
[redacted]
CII:[redacted] **Main#:**[redacted] **FBI#:**[redacted]

[redacted] **(Refer to Exhibit A, pages 140 through 168 for a copy of Martinez' criminal history).**

CIVILIAN WITNESSES:

1. [redacted] FH/37
2. [redacted] MH/34

DEPARTMENT WITNESSES:

1. Furmanski, David, Lieutenant, [redacted]
2. Rector, Rick, Deputy Sheriff, [redacted]
3. Prescott, Charles, Detective, [redacted]

INJURIES:
Suspect

Suspect Martinez sustained a fatal gunshot wound to the head, just left of center of the lower jaw.

Deputy Personnel
No deputy personnel were injured.

WEATHER AND LIGHTING CONDITIONS:
Daylight, clear, with little or no clouds.

WEAPONS USED BY SUSPECT(S):
Suspect Tony Martinez was found to have a Beretta "Vertec" .40 caliber semiautomatic pistol, serial # BER[redacted] loaded with a total of ten rounds in the weapon. **Note: no rounds appeared to have been fired by suspect.**

WEAPON(S) USED BY DEPUTY PERSONNEL:

DEPUTY GEORGE CREAMER
Service Weapon- Remington, Model 700, .308 Winchester caliber bolt-action rifle, Serial #: G[redacted] with scope.
Type of Ammunition- Winchester .308 caliber cartridges loaded with a 168-grain boat-tail hollow point round.
Ammunition- One round fired and two rounds in the magazine.
Shell Casings- One Winchester .308 caliber cartridge was removed from the rifle's chamber.
Date Employee Last Qualified: [redacted]
Date Last Trained With Weapon: [redacted]

Lab Receipt No. J773082 Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A, page 130-131)**

INVOLVED DEPUTY(S) STATEMENTS:

Deputy George Creamer, #[redacted] was interviewed by Homicide Bureau Detectives Todd Anderson and Barry Hall on March 1, 2006, at 2022 hours. Deputy Creamer was not represented and the interview was recorded. The following is a summary of the interview.

Deputy Creamer said he was assigned to the Special Enforcement Bureau and on March 1, 2006, he and his partner, Deputy Rick Rector were part of the on-call S.E.B. team at their headquarters. At about 1300 hours, Deputies Creamer and Rector were notified of a S.E.B. "call-out" and responded to [redacted] Holtwood Avenue, in the city of South El Monte. As they responded to the

scene, they were given updated information from the team leader, Lieutenant Dave Furmanski as to the situation. Creamer said he was told the suspect was armed with a handgun and held a woman and a small child hostage inside of the residence.

When they arrived to the command post, Deputies Creamer and Rector were briefed by Lieutenant Furmanski about the residence and they were told only the suspect and his two hostages were inside of the house. They were told the female hostage had been on the telephone with deputy personnel and had confirmed she was being held against her will by the suspect. Lieutenant Furmanski told Deputy Creamer this was a "Hostage Rescue Situation."They were also told the suspect, Tony Martinez, was wanted for a series of armed robberies and had said he would force the police to come inside of the house and kill him. Deputies Creamer and Rector were given a photograph of Suspect Martinez and his physical description. Lieutenant Furmanski designated Deputy Creamer as the "sniper" and Deputy Rector as his "spotter." Deputy Creamer explained he would be the one to use deadly force should the need arise and Deputy Rector, as the spotter, would take a second shot should Creamer's round fail to immobilize the suspect.

Lieutenant Furmanski gave Deputies Creamer and Rector a mission to move into a position where they could observe the suspect and his actions. Deputies Creamer and Rector took up a position to the rear yard of [redacted] From their position Creamer and Rector could see into the living room of the suspect's location, via a sliding glass door.

Deputy Creamer said he has trained often with other S.E.B. members in the Hostage Rescue Scenario. He explained in the scenario saving the lives of the hostages was of the upmost importance. He said it was imperative that hostage takers not harm the hostages, especially in an area out of the view of rescue teams, where the situation could not be controlled. Deputy Creamer said a failure to act immediately could endanger the hostages or allow them to be killed by the hostage taker.

Deputy Creamer said he watched as the hostage, holding a small child, walked up to the sliding glass door and the suspect immediately grabbed the female pulling her away. Deputy Creamer said he believed the suspect was forcibly controlling the hostage's movements. Deputy Creamer said he watched as the suspect approached the sliding glass door and was holding the woman close to his body. He said the woman was still holding onto the child. Deputy Creamer said he believed the suspect was "manhandling" the hostage and felt she was in immediate danger of being harmed by the suspect. Creamer said he felt if the suspect was able to pull the hostage away from the window he would harm or kill her. Creamer said he felt the situation had grown dire and believed the suspect was about to kill the hostage.

Deputy Creamer said he had a clear shot of the suspect and waited until the hostage was safely separated from the suspect before he pulled the trigger on his rifle. He fired one round, and the suspect immediately dropped out of view. The hostage and small child also disappeared from view. He maintained cover on the sliding glass door, along with Deputy Rector, until they learned, via radio, the hostage and small child had run from the residence to the deputies.

As per S.E.B. protocol, Deputy Creamer "stood down," returned to S.E.B. headquarters, and maintained control of his rifle until turned over to a Department Firearms Examiner.

IAB Note: Refer to Exhibit A, pages 67-69, for Homicide Bureau's summary of Creamer's interview.

SUSPECT STATEMENTS:

No suspect statement, suspect was deceased.

DEPARTMENT WITNESS STATEMENTS:

Witness, Lieutenant David M. Furmanski, #[redacted] was interviewed by Homicide Bureau Investigators Todd Anderson and Barry Hall. The interview took place on March 1, 2006, at about 1910 hours. The interview was recorded for review.

Witness Furmanski said he was the "on-call" duty commander for the Special Enforcement Bureau on March 1, 2006, when he received a telephone call from Temple Station Detective Charles Prescott. Detective Prescott requested a S.E.B. response t[redacted] Holtwood Avenue for a barricaded and wanted suspect who held hostages. After a discussion with Detective Prescott, Lieutenant Furmanski determined the situation deemed an S.E.B. team response. Furmanski deployed the "on-call" team, Crisis Negotiations, canine, and paramedic teams to the location. He also deployed an airship over the location.

Lieutenant Furmanski said he responded to the location and established a command post near by. He had all his resources respond to the command post and he conferred with the handling detectives at the scene. Furmanski said he obtained updated information on the suspect, a photograph, and learned he had refused to release the hostages when requested by patrol personnel and had said he would force the police to kill him should they attempt to take him into custody. Lieutenant Furmanski said he believed the suspect was very desperate.

Lieutenant Furmanski said with the facts provided to him of the situation, he deemed it as a "Hostage Rescue Mission." Furmanski explained in a Hostage Rescue Situation there is an armed hostage taker holding innocent hostages inside of a residence or building. He said that swift lawful action is necessary to prevent harm to the hostages.

When Deputies Creamer and Rector arrived at the command post, Furmanski said he briefed them of the mission, furnished them with the information he had at the time, and gave then both a picture and description of Suspect Martinez. Furmanski said he designated Creamer and Rector as a "long rifle" team and directed them to locate a position of concealment to observe the suspect and hostages.

Lieutenant Furmanski said he continued to brief and deploy additional S.E.B. team members as they arrived at the command post. Furmanski said he waited for the arrival of the Crisis Negotiation Team (CNT) to the command post. While waiting for CNT's arrival several announcements were made into the residence from armored rescue vehicles stationed in front of the suspect's location. Numerous attempts to contact the suspect by telephone were also attempted with no response from the suspect.

Lieutenant Furmanski said after a short time passed, he heard radio traffic that a shot had been fired by members of the "long rifle" team. Immediately after the radio traffic, the female hostage ran out of the residence holding onto the small child. Both females were removed to the command post for their safety by Temple Station personnel. The female adult hostage [redacted] was interviewed for intelligence regarding the house and suspect while additional S.E.B. members established a containment around the residence.

Lieutenant Furmanski said a search warrant was written by Temple Station detective personnel and signed by a judge. Crisis negotiation Team members attempted to make contact with the suspect inside of the residence with no success. After numerous attempts to make contact with the suspect, a robot was deployed into the residence to ascertain where the suspect was located. The robot's camera revealed the suspect was "down" inside of the house.

A Special Enforcement Bureau Team entry was approved by the on-scene operations commander, Commander Cecil Rhambo, and entry was made. Suspect Martinez was located and declared deceased by S.E.B. paramedics. Homicide Bureau was notified and responded.

IAB Note: Refer to Exhibit A, pages 35 and 36 for a copy of the SEB Special Weapons Team Incident Log for a detailed time-line of the incident. Refer to Exhibit A, pages 64 and 65 for a copy of Homicide Bureau's summary of Lt. Furmanski's interview.

Witness, Deputy Rick O. Rector, #[redacted] was interviewed by Homicide Bureau Investigators Todd Anderson and Barry Hall on March 1, 2006, at about 1935 hours. Internal Affairs Bureau Sergeant Greg Key was also present during the interview and the interview was recorded for review.

Deputy Rector provided substantially the same information as did Deputy Creamer except for the following: Deputy Rector said he was assigned as the "spotter" on the "long rifle" team consisting of Deputy George Creamer and himself. Rector said his responsibility was to assist Deputy Creamer, who would be tasked to use deadly force should the necessity arise. Rector said he would deliver a follow up shot should Deputy Creamer's shot fail to immobilize the suspect. Rector said he was armed with a Heckler-Koch, Model SG-1, .308 caliber rifle.

Deputy Rector said he and Deputy Creamer took up a position behind a [redacted] to the rear of [redacted] They could see a portion of the suspect's living room through a sliding glass door. Rector said he could see the suspect several times. The suspect was holding a female, who was also holding onto an infant child. Deputy Rector said from his vantage point it appeared to him the suspect

was controlling the female's actions and movements inside of the house. It appeared to Rector the suspect was very agitated and was constantly looking outside for the concealment positions of deputy personnel. Deputy Rector said he was radioing information about the suspect and hostage's actions to the command post and was receiving information from the command post about the operation.

Deputy Rector said as he and Deputy Creamer watched the suspect he appeared to become even more agitated. Although Rector said he could not spot a gun in the suspect's hands, he believed the situation was becoming more dangerous by the minute for the hostages.

Deputy Rector said he watched as the suspect moved closer to the sliding glass door and saw as the suspect's grasp on the hostages loosened. Rector said he believed the suspect was about to kill the hostages and he said he heard Deputy Creamer fire one shot from his rifle. Rector said he watched as the suspect fell from view. Deputy Rector said he radioed to the command post and the other team members that the long rifle team had fired a shot at the suspect. Soon after, Rector said he heard via the radio that the hostages had fled from the house and to safety.

Deputy Rector said he and Deputy Creamer remained in place until entry was made into the house and the suspect was discovered deceased.

IAB Note: Refer to Exhibit A, pages 66 and 67 for a copy of Homicide Bureau's summary of Rector's interview.

Witness, Deputy Charles Prescott, #[redacted] prepared both the original incident report along with a supplemental report documenting his investigation leading up to the involvement of Special Enforcement Bureau.

Deputy Prescott wrote on March 1, 2006, Temple Station patrol deputies received a radio call of a vehicle fire in the parking lot of the Ramada Inn, 1089 Santa Anita Avenue, in the city of South El Monte. When the deputies arrived, they discovered a 2005 silver Honda sedan engulfed in flames. After the fire was extinguished, evidence was located connecting Suspect Tony Martinez with a string of robberies in the Inland Empire and the San Gabriel Valley. Suspect Tony Martinez was seen leaving the hotel in a silver Lexus and eluded deputies who attempted to detain him. Investigation revealed a hotel room signed out to the suspect. Contact was made with [redacted] [redacted] to [redacted] was a [redacted] of Suspect Martinez. [redacted] admitted knowing suspect Martinez and said he had given a ride to [redacted] and her infant [redacted]o [redacted]esidence at [redacted] in [redacted]

Deputies responded to the Holtwood Avenue location and discovered a grey Lexus 300 sedan parked in the driveway. The Lexus Sedan was similar to the sedan Suspect Martinez was seen leaving the hotel in. A telephone call was placed into the residence and [redacted] answered the telephone. She told deputies she and her infant [redacted] were being held against their will by the suspect Tony Martinez. She also indicated Suspect Martinez was armed. Suspect Martinez came onto the telephone line and told deputies he was not going to surrender and the deputies would have to come inside and kill him. He said the deputies were responsible for destroying his life and taking away his [redacted] After several attempts

to have the suspect surrender, the suspect hung up the telephone and did not answer it when re-dialed. Detective Prescott wrote he tried for more than forty minutes to have the suspect surrender or allow the hostages to leave.

Detective Prescott wrote he believed he had an armed hostage situation and he telephoned Special Enforcement Lieutenant Furmanski and requested a response by S.E.B. to assist.

Detective Prescott said he and Detective Butler prepared both a search and Ramey warrant for the residence and the suspect **(Refer to Exhibit A, pages 22 through 32 for a copy of the search and Ramey warrants).** After the warrants were signed and authorized by a judge, Detective Prescott drove to the S.E.B. command post and delivered them to S.E.B. Lieutenant Nunley.

IAB Note: Refer to Exhibit A, pages 1 through 7 for a copy of Detective Prescott's incident and supplemental reports.

NON-DEPARTMENT WITNESSES:

Victim/Witness [redacted] **FH/** [redacted] was interviewed by Homicide Investigators Kevin Lowe and Dameron Peyton on March 1, 2006, at 1515 hours. Internal Affairs Bureau Sergeant Greg Key was present during the interview and the interview was recorded for review.

Witness [redacted] said Suspect Martinez was her [redacted] and they had been [redacted] for about [redacted] On February 27, 2006, when they rented a hotel room at the Ramada Inn in South El Monte and remained together until he left on the 28th of February. When he left, Martinez was carrying a large silver colored handgun. On March 1st, [redacted] called her [redacted] to come and pick up her and her [redacted] FH/10 mos., and drive them to her house on [redacted]

Approximately two hours later, Suspect Martinez arrived at [redacted] house. While they were talking, they heard helicopters overhead and dogs barking. Suspect Martinez looked out of the window and said, "They're coming for me." Martinez ordered [redacted] away from the windows and told her he had robbed a bank and the police were coming for him. Witness [redacted] said she tried to convince Suspect Martinez to surrender, but he refused telling her he was not going back to jail.

[redacted] said she answered a telephone call from a detective and told him the suspect was armed and refusing to surrender. She said she told the detective the suspect would not allow her and her [redacted] to leave the house. Suspect Martinez grabbed the telephone from [redacted] and became very angry at her for talking to the police. Witness [redacted] said she became very frightened of the suspect and believed he was going to shoot it out with the police or kill her and her [redacted]

Witness [redacted] said the suspect telephoned his [redacted] on his cellular telephone and called his [redacted] on [redacted] house telephone. He placed both phones on "speaker" and spoke to them. Martinez told his

[redacted] and [redacted] he would not go back to jail and told them, "goodbye." [redacted] said she pleaded with Martinez to surrender and not harm her. Both Martinez and [redacted] carrying her [redacted] walked into the livingroom [redacted] said she began yelling at Martinez to surrender and Martinez yelled back at her that he would not give up.

Witness [redacted] said she heard a loud noise followed by the sound of breaking glass. [redacted] said she turned away from the sliding glass door and turned back in the suspect's direction. She said she no longer saw Martinez and took the opportunity to flee the house with her [redacted] When she ran from the house, she was directed by deputies to run to their location. The deputies removed her from the area.

IAB Note: Refer to Exhibit A, pages 62 and 63 for a copy of Homicide Bureau's summary of [redacted] interview.

Witness [redacted] MH/34, Booking #[redacted] was interviewed by Homicide Bureau Investigators Barry Hall and Todd Anderson on March 1, 2006, at 2315 hours. The interview took place at Temple Station, in a jail interview room. Suspect/Witness [redacted] was in custody for a [redacted]

[redacted] said he was a friend of Suspect Martinez, but knew nothing of Martinez' involvement in any armed robberies. He said on March 1, 2006, he drove to the Ramada Inn in South El Monte where his [redacted] and Martinez had been staying, When he arrived at the hotel he saw the silver Honda sedan Martinez had been driving, on fire in the parking lot. When he went into the room, Martinez told [redacted] people knew where he was staying and they wanted to kill him. Martinez fled the hotel room and drove away in a grey Lexus sedan. Later in the morning [redacted] said he drove his [redacted] and his [redacted] home to [redacted] said Martinez was "crazy" and prone to violence. He also added he had seen Martinez in possession of a silver colored handgun.

IAB Note: Refer to Exhibit A, page 71 for a copy of Homicide Bureau's summary of [redacted] interview.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	Homicide Bureau Detectives Todd Anderson and Barry Hall
Court:	N/A
Charges Filed:	No charges filed.
Court Date:	N/A
Plea/Conviction:	N/A
Sentence:	N/A

PROPERTY DAMAGE:

Shattered sliding glass door at [redacted] Holtwood Avenue, S. El Monte from Deputy Creamer's shot.

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

July 3, 2006

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File No: 06-0136
L.A.S.D. File No: 006-03248-0562-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 1, 2006, fatal shooting of Tony Martinez by Los Angeles County Sheriff's Deputy George Creamer. We have concluded that Deputy Creamer acted in lawful defense of others.

The following analysis is based on reports and photographs prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, and submitted to this office on May 3, 2006 by Detective Todd Anderson. Compelled statements were neither provided nor requested from the Homicide Bureau. The District Attorney's Command Post was notified of the shooting on March 1, 2006, at 3:40 p.m. Deputy District Attorney Gilbert Wright and District Attorney Senior Investigator [redacted] responded to the scene of the shooting and were given a briefing and a 'walk-through' of the scene.

FACTUAL ANALYSIS

In late January, 2006 several bank robberies dubbed the "Deposit Slip Bandit Robberies" were committed in the Inland Empire and Los Angeles Counties. On February 27, 2006, Bank of the West, located at 9000 Valley Boulevard, in the City of Rosemead, was robbed by a single individual. This individual delivered a demand note to the bank teller which also indicated that he was armed with a gun. Soon after that robbery, Tony Martinez was positively identified as the bank robber.

Martinez lived at two residences. He had an [redacted] address where he lived with his [redacted] and an address located at the home of [redacted] on [redacted]

On March 1, 2006 at approximately 7:05 a.m., Los Angeles County Sheriff Deputies responded to a Ramada Inn at Santa Anita and Merced Avenues in South El Monte regarding a burning vehicle. The vehicle was later determined to be stolen and investigators found Martinez' identification, a demand note for money written on a deposit slip, similar clothing worn by the suspect in the "Deposit Slip Bandit Robberies" and several rounds of .40 caliber ammunition. Detectives learned that Martinez and [redacted] recently checked into the hotel. [redacted] who was inside their hotel room when the detectives arrived, told investigators that the two left in the morning in a stolen grey Lexus. He also indicated that Martinez was armed, violent and "dangerous." A short time later, patrol deputies spotted Martinez driving the Lexus, but he eluded them.

At approximately 11:20 a.m., investigators observed the Lexus outside the Holtwood address. LASD personnel surrounded the home and evacuated the nearby residences. LASD personnel attempted to establish contact with Martinez via the public address system, but without success. Eventually telephone contact was made inside the house with [redacted] She seemed evasive and nervous but told investigators that her 10 month old [redacted] was inside the house and Martinez was not allowing them to leave. She confirmed that Martinez had a gun. Investigators also spoke with Martinez by telephone. He was agitated, angry, and aware that the house was surrounded because he pointed out several locations where he observed deputies. Martinez was angry that his [redacted] had been taken away from his [redacted] he blamed law enforcement for ruining his life, and he told investigators that they would have to "come in and kill me," before he surrendered.

Requests to allow [redacted] and the [redacted] to leave the home were met with inconsistent responses. Martinez first indicated that he was not preventing them from leaving. He was heard telling [redacted] that the deputies wanted her to go outside. Martinez then indicated that [redacted] was too frightened to move. Martinez was then directly told to tell [redacted] to take the baby and leave the house, but Martinez did not respond to the request and changed the subject. Investigators heard Martinez speaking and crying to other [redacted] members on another telephone. Martinez ultimately hung up on the investigators and they were unable to establish further contact inside the house. The telephone contact with Martinez lasted approximately 40 minutes. LASD's Special Enforcement Bureau (SEB) assumed tactical responsibility of this incident at this time. All SEB personnel were in place at approximately 1:25 p.m.

SEB Deputies George Creamer and Rick Rector were stationed at the [redacted] of the house in the yard of an [redacted] at [redacted] They were informed that Martinez was armed, agitated, and was refusing to let the hostages go. They also were aware that he repeatedly told LASD personnel that they would have to kill him before he came out. Their responsibility was to take "immediate action" if they determined the hostages were in danger.

Creamer and Rector saw [redacted] holding the baby in her arms near the living room window. They then saw Martinez grab [redacted] roughly and pull her away from the window. It appeared to Rector that Martinez was constantly dictating to [redacted] where she would stand by moving her into various locations in the room. He also noticed that Martinez, highly agitated, repeatedly looked out of the window to try to see the positions of LASD personnel. It appeared to Creamer that [redacted] was being "manhandled" and was prevented from leaving the residence. As the situation progressed, he saw Martinez standing close to the living room window, "manhandling" and holding [redacted] close to his chest, as she was holding the baby. Creamer believed the hostage crisis had progressed to the point where the hostages' lives were in danger, particularly if they were pulled away from the window and out of view. Although Creamer did not see Martinez holding a gun, he believed if immediate action was not taken, [redacted] and the baby would be hurt or killed. At approximately 1:36 p.m., Creamer was presented with a clear view of Martinez. Creamer fired one shot, striking Martinez in the face. Martinez was in front of the living room's sliding glass window when he was struck. [redacted] and the baby moved out of view at this time. LASD personnel in the front of the house observed [redacted] run out the front door cradling her [redacted]

Investigators found a loaded .40 caliber firearm near Martinez' body. Martinez was pronounced dead and a Los Angeles County Deputy Medical Examiner confirmed that Martinez death was due to the gunshot wound to the face. Investigators also found a map attached to one of the bedroom doors that detailed the locations of his suspected robberies.

After this incident, investigators learned that Martinez was a suspect in a murder case that was about to be presented to the Los Angeles County District Attorney's Office for a criminal filing[1], and, according to Martinez' [redacted] a former [redacted] Martinez shot his [redacted] in the face on a prior occasion.[2]

[redacted] told investigators that her relationship with Martinez was strictly [redacted] She said that she did not see a gun in Martinez' hand when he was in her house, but believed that he possessed one. She communicated that belief to LASD personnel during the standoff. She also admitted that she saw him with a gun at the Ramada Inn.

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[1] LASD Homicide Detectives recently solved Sheriff's file number 003-12791-0533-011 and were going to allege that in 2003 Martinez was responsible for [redacted] a [redacted]

[2] After being [redacted], on September 26, 2001. He received [redacted] Martinez senior recalled that [redacted] Junior and [redacted] . [redacted] Subsequently, Martinez senior cut off contact with his son and daughter-in-law.

[redacted] said that her [redacted] drove her home from the Ramada Inn and Martinez came to her residence two hours later. She voluntarily allowed him inside the home. Soon after, they heard helicopters and dogs barking.

From her living room window, [redacted] noticed a man looking over the back wall to her house. Martinez told her to move away from the window and acknowledged that the deputies came for him because he robbed a bank. [redacted] stated that Martinez put his ear to the phone as she was talking to LASD personnel, snatched the phone from her hand, and hung up. She also confirmed that he telephoned his [redacted] from a land line telephone, and told them that he was not going back to prison.[3]

[redacted] repeatedly told him to surrender but he responded that he was not going back to jail. She thought that she and her [redacted] were going to be hurt if Martinez continued to resist. She felt that if she tried to escape, she would set "him (Martinez) off." She confirmed that he grabbed her at times and used her as a shield during the standoff. In the living room, the two argued about Martinez surrendering. When she heard the living room window break, she momentarily turned away. When she turned back and no longer saw Martinez, she grabbed her [redacted] and fled the home. When [redacted] was initially questioned immediately after fleeing, she gave contradictory statements about what occurred in the house during the "hostage crisis." [redacted] said that Martinez was dangerous and "manhandled" her earlier at the Ramada Inn.

CONCLUSION

According to California law, the use of deadly force in the defense of others is justifiable if the person claiming the right to use defense of others actually and reasonably believed (1) that the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury. *CALJIC 5.12 et. seq.*

The evidence gathered in this investigation indicates that Tony Martinez' actions prompted Deputy Creamer to use deadly force to end the threat posed to [redacted] and her [redacted]. Martinez' statements to LASD personnel, confirmed by his [redacted] and [redacted] indicated his desire that the standoff end violently.

[3] Martinez' [redacted] confirmed this conversation, adding that Martinez failed to attend a child custody hearing that day.

Based on this evidence, we find Deputy Creamer's use of deadly force was necessary to preserve the lives of others. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

GILBERT WRIGHT
Deputy District Attorney
(213) 974-4634

c: Deputy George Creamer, #[redacted]